HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

_

WRIT PETITION NO.13270 OF 1996

DATE:07.02.2007

Between:

S.A.W. Quadri

..... PETITIONER

AND

The Andhra Pradesh State Road Transport Corporation, rep. By its Managing Director, Musheerabad, Hyderabad & five others.

.....RESPONDENTS

_

_

_

_

_

_

_

_

_

_

_

_

_

_

_

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

_

WRIT PETITION NO.13270 OF 1996

ORDER:

In this writ petition, the petitioner sought for the relief of declaring the action of second respondent-Regional Manager in not considering his case for promotion to the post of Assistant Depot Clerk/Controller on par with his juniors, as illegal, unjust, contrary to law, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of Constitution of India and also to grant all consequential benefits.

In the affidavit filed in support of the Writ Petition, the petitioner averred that he joined the services of the A.P.S.R.T.C. on 27.5.1973 as a Conductor and thereafter he was promoted as Grade-I Conductor on 1.8.1985. It is further averred that as per the A.P.S.R.T.C. Employees Recruitment Regulations, 1966, the promotional avenues to the various categories of the employees are earmarked and the Conductors are entitled for promotion to the post of Assistant Depot Clerk/Controller on the basis of seniority and the Conductor post is the feeder post for next promotion to the category of Assistant Depot Clerk/Controller. According to the petitioner, in the final seniority list prepared by the respondent-Corporation relating to Grade-I Conductors, his name is shown at Serial No.94. However, the second respondent promoted respondents 3 to 5, to the post of Assistant Depot Clerk/Controller though they are juniors to him in the seniority list as they were appointed subsequent to his appointment. The petitioner further averred that

respondent No.6 was promoted on 12.6.1996 to the post of Assistant Depot Clerk/Controller though he was junior to the petitioner. The petitioner, who claims to be senior to respondents 3 to 6, therefore challenges the denial of promotion to him, as arbitrary and discriminatory.

Chief Law Officer of A.P.S.R.T.C. filed a counter affidavit wherein it is stated that the petitioner joined the services of A.P.S.R.T.C. on 27.5.1973 in the then City Division. Seniority of Conductors Grade-II is a divisional level seniority. The petitioner was transferred to Ranga Reddy region from City Division on condition of forgoing his seniority and accordingly he reported to duty at the transferred place on 12.4.1977 and therefore, his seniority in the post of Conductor Grade-II is reckoned with effect from 12.4.1977 in Ranga Reddy Division. Accordingly, his seniority was fixed at Serial No.96. As against the said seniority of the petitioner, the seniority of respondent No.4 was fixed at Serial No.29 taking into account of his date of joining. The seniority of respondent No.5 was fixed at Serial No.86 and the seniority of respondent No.3 and 6 was not fixed in the seniority list as their cases were recently decided. The petitioner was informed about these facts through the letter dated 8.8.1988. The petitioner was promoted to the post of Selection of Conductor Grade-I with effect from 1.7.1989. As regards respondent No.3, it was mentioned that he was appointed as Conductor Grade-II on 16.12.1975 in Ranga Reddy Division and respondent No.4 was appointed as Conductor Grade-II on 2.6.1973 in City Division and he was transferred to Ranga Reddy Division on

optional basis by protecting his seniority. Respondent No.5 was appointed as Conductor Grade-II on 16.12.1974. It is further stated that though the petitioner was appointed on 27.5.1973, he was transferred from City Division to Ranga Reddy Division on loss of seniority on 19.7.1977. Respondent No.6 was appointed as Conductor Grade-II on 18.4.1975. It is therefore claimed in the counter affidavit that the petitioner has become junior to respondent Nos.3 to 6 since his seniority in Ranga Reddy Division was taken into consideration as he has foregone his seniority in City Division at his request at the time of his transfer.

No reply affidavit has been filed controverting the averments contained in the counter affidavit.

In view of the facts mentioned in the counter affidavit, it is clear that since the petitioner has foregone his seniority, he is treated as junior to respondents 3 to 6 in Ranga Reddy Division. Hence, it cannot be said that promotion of respondents 3 to 6 to the post of Assistant Depot Clerk/Controller suffers from any illegality or discrimination.

For the aforementioned reasons, the Writ Petition fails and is accordingly dismissed. No costs.

As a squeal to the dismissal of the Writ Petition, W.P.M.P.No.16189 of 1996 filed by the petitioner to direct the second respondent to consider him case for promotion to the post of Assistant Depot Clerk/Controller on the basis of seniority is also dismissed.

C.V.NAGARJUNA REDDY, J.

07th FEBRUARY, 2007.
Tsr